

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mic Braun	Team: Squad #05	CCRB Case #: 202100211	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Friday, 12/25/2020 6:11 AM	Location of Incident: Front of 1414 Oakley Street	18 Mo. SOL 6/25/2022	Precinct: 47
Date/Time CV Reported Fri, 12/25/2020 9:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/11/2021 10:52 AM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Pierre Senat	07557	964762	047 PCT
2. POM Malcolm Geohagen	20630	967892	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jayson Martinez	06502	958880	047 PCT
2. POF Sidonna Brown	24309	962273	047 PCT
3. POF Lauren Southwell	29097	951292	047 PCT
4. POF Genesis Figueroa	15264	966053	047 PCT
5. SGT Jackeline Gonzalez	05533	950518	047 PCT
6. POM Lewis Nunez	19744	958997	047 PCT
7. POM Alexander Badesco	05009	960190	047 PCT
8. POM Nicholas Torrisi	11490	956304	047 PCT
9. POM Pedro Herrera	05346	960667	047 PCT
10. POM Jonathan Lluberres	21473	967964	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Pierre Senat	Force: Police Officer Pierre Senat used physical force against § 87(2)(b)	
B.POM Malcolm Geohagen	Force: Police Officer Malcolm Geohagen used physical force against § 87(2)(b)	
C.POM Pierre Senat	Force: Police Officer Pierre Senat hit § 87(2)(b) against a vehicle.	
D.POM Malcolm Geohagen	Force: Police Officer Malcolm Geohagen hit § 87(2)(b) against a vehicle.	

### Case Summary

On December 25, 2020, § 87(2)(b) filed this complaint by phone with IAB, generating original log 20-29781. The CCRB received this complaint on January 11, 2021 (**BR 01-02**).

On December 25, 2020, at approximately 6:11 a.m., Police Officers Jayson Martinez and Sidonna Brown of the 47<sup>th</sup> Precinct responded to the scene of a car accident at 1414 Oakley Street in the Bronx. A few minutes later, Police Officers Pierre Senat and Malcolm Geohagen, also of the 47<sup>th</sup> Precinct, arrived on scene. Civilians on scene told officers that § 87(2)(b) had crashed into multiple vehicles at multiple locations. While talking to the officers and the other civilians involved in the accident, § 87(2)(b) suddenly began walking away from the scene. PO Senat, PO Brown, and PO Geohagen apprehended him, but § 87(2)(b) resisted being placed in handcuffs. PO Geohagen and PO Senat grabbed § 87(2)(b)'s arms and pulled them behind his back (**Allegations A-B: Force, § 87(2)(g)**). PO Senat and PO Geohagen then allegedly lifted § 87(2)(b) up and slammed him hard on the trunk of a car (**Allegations C-D: Force, § 87(2)(g)**). § 87(2)(b) was charged with § 87(2)(b) (BR 03).

The investigation obtained BWC for this incident (**BR 04-25**, summarized at **BR26**). All references to video refer to the timestamp in the video player and not to the on-screen timestamp.

§ 87(2)(g)

On March 28, 2022, this case was reassigned from Inv. Katherine White to the undersigned.

This investigation was delayed by the COVID-19 global pandemic and delays in scheduling officers for remote interviews.

### Findings and Recommendations

**Allegation (A) Force: Police Officer Pierre Senat used physical force against § 87(2)(b)**

**Allegation (B) Force: Police Officer Malcolm Geohagen used physical force against § 87(2)(b)**

**Allegation (C) Force: Police Officer Pierre Senat hit § 87(2)(b) against a vehicle.**

**Allegation (D) Force: Police Officer Malcolm Geohagen hit § 87(2)(b) against a vehicle.**

§ 87(2)(b) testified that he was merely looking for parking when two civilians blocked his path and claimed he struck their vehicle elsewhere (**BR 27**). § 87(2)(b) initially testified that he did not know if he struck any vehicles, and later said he did not remember striking any vehicles. He denied that he drank any alcohol or smoked any marijuana prior to the incident. He admitted that he physically resisted when PO Senat and PO Geohagen grabbed his hands and tried to bring them behind his back. He began moving his arms and tried to turn around to face the officers and asked what he was being arrested for. PO Senat and PO Geohagen told him he was resisting and then they both put § 87(2)(b)'s arms behind his back, lifted him up until his feet were off the ground, and slammed him hard on the trunk of a car. § 87(2)(b)'s chest, stomach, and ribs hit the edge of the trunk. PO Senat and PO Geohagen landed on top of § 87(2)(b) when he hit the trunk. PO Senat and PO Geohagen then handcuffed § 87(2)(b). § 87(2)(b)'s chest began to hurt on the ride to the stationhouse and he began having trouble breathing. He alerted the officers and he eventually went to a hospital, where he complained to medical staff that officers had used force against him.

The Pre-Hospital Care Report Summary (see Privileged Records) shows that § 87(2)(b) was uncooperative with the EMS personnel who arrived at the stationhouse. He complained of pain in his wrists and nausea, and he had vomited. He denied having chest pain, abdominal pain, or shortness of breath. His hospital records show that medical staff admitted him because tests showed elevated blood levels of a protein which could have indicated that he suffered a heart attack. However, they ultimately assessed that he likely sustained chest trauma due to being in a motor vehicle accident. Tests also showed that § 87(2)(b) had an elevated blood alcohol level and was likely experiencing alcohol withdrawal. He also had THC in his system.

BWC footage clearly captured the force officers used to apprehend and handcuff § 87(2)(b). PO Martinez's BWC footage (**BR 04**, beginning at approximately 03:00) shows PO Geohagen, PO Brown, and PO Senat running after him as he attempts to leave the scene. At 03:29, PO Brown, PO Senat, and PO Geohagen are holding a struggling § 87(2)(b) against a car. PO Senat and PO Geohagen walk him to the rear of his own car and PO Brown joins soon after. PO Brown and PO Geohagen are holding § 87(2)(b) by his arms against the trunk. PO Senat is standing directly behind § 87(2)(b). PO Brown is on the left, and PO Geohagen is on the right. At 06:29, PO Martinez walks back over to the three officers and uses both arms to hold § 87(2)(b) on his left side. At 06:40, PO Martinez, PO Senat, and PO Geohagen lean § 87(2)(b) over the trunk while grabbing his arms back. § 87(2)(b) tries to resist their hold and moves his arms. PO Senat attempts to put handcuffs on § 87(2)(b). At 06:57, PO Martinez tries to hold § 87(2)(b) down. § 87(2)(b) says, "I'm not resisting, bro, ya'll beating me up bro," and then starts yelling, "Yo I'm getting arrested by boys, I'm getting beat up, yo help! Help! Help! Help! Help! Help!" PO Martinez tells him, "We're not beating you up, man." PO Senat then gets the handcuffs on, grabs § 87(2)(b) under the arms together with PO Martinez, and they walk § 87(2)(b) to the police car. At no point do officers lift § 87(2)(b) off the ground and strike him against a vehicle.

§ 87(2)(g)

Officers may use force when it is reasonable to place a person in custody, to ensure the safety of themselves, and to protect other officers. Any use of force must be reasonable under the circumstances and not excessive. NYPD Patrol Guide Procedure 221-01 (BR 28).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 29**).
- PO Geohagen has been a member of the NYPD for two years and this is the first CCRB complaint to which he has been a subject.
- PO Senat has been a member of the NYPD for four years and has been a subject in one CCRB complaint and one allegation, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- On April 1, 2022, a request was sent to the Comptroller's office for notices of claims filed for this incident. The response will be added to this case upon receipt (**BR 30**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 5

Investigator: Mic Braun Inv. Mic Braun April 1, 2022  
Signature Print Title & Name Date

Squad Leader: Daniel Giansante IM Daniel Giansante April 1, 2022  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date